



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,580	01/29/2004	Bruce V.C. Gauntt	G-0102.01	6174

7590

11/15/2005

LAW OFFICES OF CHRISTOPHER L. MAKAY  
1634 Milam Building  
115 East Travis Street  
San Antonio, TX 78205

EXAMINER

OMGBA, ESSAMA

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Paulin

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,580	<b>Applicant(s)</b> GAUNTT ET AL.	
	<b>Examiner</b> Essama Omgba	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: on page 10, line 22, "Figure 2g" should read --Figure 3g--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Keuck (US Patent 5,322,265).

Keuck discloses a method of removing pinned pads wherein a vertical post 10 of a tower is lifted to free a pinned pad 33 beneath the vertical post, removing the pinned pad once freed from the vertical post and replacing the removed pad with a new pad, see column 6, lines 37-68 and column 7, lines 1-22. Applicant should note that the method of Keuck is capable of being used to remove tiles.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3726

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keuck (US Patent 5,322,265).

With regards to claims 1, 3, 4, 7, 10, 11 and 13, Keuck discloses a tower lifting apparatus and a method of replacing pinned pads, the apparatus comprising a transfer unit (47, 71, 83, 64, 48); the transfer unit engaging a vertical platform leg of the tower, see col. 5, lines 24-28, a bridge assembly 109 (col. 6, lines 59-64), and a lifting device 46 (col. 5, lines 23-24), wherein the lifting device is placed on the bridge assembly and underneath the transfer unit and the lifting device is expanded by an operator thereby engaging the transfer unit and raising the vertical post to free a pinned pad 33 (col. 6, lines 37-68 and col. 7, lines 1-21). Although the bridge assembly of Keuck does not span the pinned pad 33 in the manner contemplated by Applicant. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the apparatus of Keuck does not require a modified bridge assembly that would span a pinned pad since brackets 48 are designed to allow removal of pinned pads without interference from the bridge assembly 109. It is also obvious that the apparatus of Keuck could be used to free pinned tiles, see column 5, lines 11-15.

For claim 2, flange 73 is equivalent to Applicant's claimed distribution plate.

For claim 5, see column 5, lines 29-32.

For claim 6, see column 7, lines 18-22.

Art Unit: 3726

For claims 8, 12 and 14, Applicant should note that the nature of the pinned tile or pad lends no patentable weight to the device being claimed.

6. Claims 1, 7, 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keuck in view of Hong (US Patent 6,378,843) or Bressner et al. (US Patent 6,390,450).

Keuck discloses a tower lifting apparatus and a method of replacing pinned pads, the apparatus comprising a transfer unit (47, 71, 83, 64, 48), the transfer unit engaging a vertical platform leg of the tower, see col. 5, lines 24-28, a bridge assembly 109 (col. 6, lines 59-64), and a lifting device 46 (col. 5, lines 23-24), wherein the lifting device is placed on the bridge assembly and underneath the transfer unit and the lifting device is expanded by an operator thereby engaging the transfer unit and raising the vertical post to free a pinned pad 33 (col. 6, lines 37-68 and col. 7, lines 1-21). Although the bridge assembly of Keuck does not span the pinned pad 33 in the manner contemplated by Applicant, however Hong and Bressner et al teach lifting devices with bridge assemblies that would span a pinned tile needing removal, see figure 7 of Hong and figure 7 of Bressner et al. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Keuck to include a bridge assembly in the manner taught by Hong or Bressner et al., in order to allow the apparatus of Keuck to be easily movable. It is also obvious that the apparatus of Keuck could be used to free pinned tiles, see column 5, lines 11-15.

### ***Conclusion***

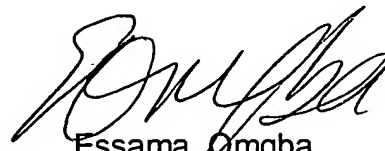
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

Art Unit: 3726

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571) 272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
November 10, 2005